

REMARKS/ARGUMENTS

In the above-mentioned non-final Office Action, claims 479-482, 486-489, 491-499, 501-504, 506 and 508-543 were rejected under Section 112, first paragraph, as based on a disclosure which is not enabling.

In response to the Office Action, claim 524 has been amended to correct a clerical error and new dependent claims 545-547, along the lines as suggested by the examiner in the first full paragraph on page 3 of the Office Action, have been added.

In order to reject a claim as not enabling under the first paragraph of Section 112, either (1) a "feature which is taught as critical in a specification" is not recited in the claims (see MPEP 6146.08(c)) or (2) matter which is "disclosed to be essential to the invention as described in the specification or in other statements of record" is omitted from the claim (see MPEP 2172.01). (Emphasis added.) Nowhere in the Office Action does the Examiner point out **where** in the specification the delamination feature at issue is designated as being **critical** or **essential** to the invention. She has thus not met her burden of setting forth a *prima facie* case of non-enablement, Applicants respectfully contend. See *In re Glaug*, 283 F.3d 1335, 1338, 62 USPQ2d 1151, 1152 (Fed. Cir 2002) and MPEP 2164.04.

In other words, designation of a feature as being "critical" or "essential" is done by the Applicant in his application and not later by the examiner. Thus, since the examiner has not pointed out specifically where in the specification the delamination feature is designated as being "critical" or "essential", the rejections must be withdrawn.

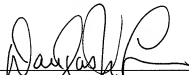
Accordingly, all of the claims now pending are in condition for allowance, and issuance of the Notice of Allowance at an early date is in order.

If there are any remaining issues, the examiner is encouraged to telephone the below-signed counsel for Applicants at (310) 785-5384 to seek to resolve them.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0440. Should such

additional fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Douglas N. Larson', written over a horizontal line.

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Dated: January 17, 2007

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